

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Civ. No. CV-06-3202 JNE/JJG

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	MOTION FOR
)	REVOCATION AND REENTRY
v.)	ORDER
)	
STEVEN J. MELDAHL dba)	
SJM Properties,)	
)	
Defendant.)	

Plaintiff United States of America ("United States") moves the Court for an Order revoking the entry of the Consent Decree in this case on August 7, 2006, and reentry of the Consent Decree on a new date.

On August 3, 2006, a Notice of Lodging of Consent Decree was filed by the United States, which stated that the Consent Decree should not be immediately signed by the Court but rather should remained lodged with the Court pending an opportunity for the public to provide any comments on the proposed settlement pursuant to 28 C.F.R. § 50.7. This regulation provides for the notice of the lodging of a consent decree in the *Federal Register* and provides for an opportunity for public comment on the proposed settlement prior to entry of a consent decree.

After it lodged the Consent Decree in this case on August 3, 2006, the United States caused to be published in the *Federal Register* a notice pursuant to 28 C.F.R. § 50.7. That notice solicited comments from the public on the proposed settlement in this case. The notice-and-comment period has now expired, and no public comments were received by the United States on the proposed settlement.

Prior to the expiration of this notice-and-comment period, the Court, on August 7, 2006, signed the Consent Decree. The entry date of the Consent Decree triggers several obligations on the part of the Defendant, and an entry date prior to the expiration of the notice-and-comment period frustrates the applicable regulation governing settlement of certain environmental cases. Therefore, the United States seeks an Order from this Court revoking the entry of the Consent Decree on August 7, 2006, and reentry of the consent decree now that the notice-and-comment period has expired. Because the case has settled and the parties do not seek to change the substantive provisions of the Consent Decree, no hearing on

this motion is requested.

Dated: November 28, 2006 Respectfully Submitted,

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